

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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UNITED STATES OF AMERICA :
Plaintiff : CASE NO. 5:05 CR 131-46
-vs- :
MICHAEL DINGESS : ORDER ACCEPTING PLEA AGREEMENT
Defendant : AND JUDGMENT AND NOTICE OF
 : HEARING
----- :

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Patricia A. Hemann regarding the change of plea hearing and plea agreement of Michael Dingess which was referred to the Magistrate Judge with the consent of the parties.

On 16 March 2005, the government filed a one-count indictment against Michael Dingess for conspiracy to possess with the intent to distribute and distribution of a controlled substance in violation of 21 U.S.C. § 846. On 19 May 2005, a hearing was held in which Michael Dingess entered a plea of not guilty before Magistrate Judge David S. Perelman. On 28 March 2006, Magistrate Judge Hemann received Michael Dingess's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Michael Dingess is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Michael Dingess is adjudged guilty of Count One in violation of 21 U.S.C. § 846.

Sentencing will be:

12 June 2006 at 11:00 a.m.

**Courtroom 18-A
18th Floor the United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Dated: 16 May 2006